

UNITED STATES Southern District Court

10/1

David Gibson

v.

Mount Vernon Executive Director
ETC: A1

22-CV-4213 KMK

Movment

Memorandum of Law
Response defendant Motion
to dismiss

2023 MAY -9 PM 12:08

(To The Defendants Mount Vernon Executive Director) (Deny/Affirming All Allegation,)
 Supervisory Liability, 14th Amendment violation, Discriminatory
 Plaintiff (CBS acts) Ashcroft v. Iqbal Supreme
 Court of United States May 18, 2009 556 U.S. 662
 121 S. Ct. 1937; 173 L. Ed. 2d 868. Bell Atlantic corp
 v. Twombly (2007). (Government official CAN BE
 ARE ARE liable IF (A) "knew OR should have
 known A unconstitutional violation could, OR was
 going on (B) CREATED A Policy, were a ~~constitutional~~
 unconstitutional Act occurred, (C) ~~constitutional~~
 2 In Plaintiff Case 22-CV-4213 KMK Dec. 1
 Is on 1 Page. (Please see) On 12-17-21 Plaintiff
 was escorted, To "MVMH". (were He Attempted
 to Refuse. Security STAFF with Medical Doctor's
 Informed Plaintiff, He Had see GMH social workers.)

2 of 2

But There wasn't one there! Mount Vernon Executive. (Allowed This Policy)

A Due The Defendant Have A Policy for Prisoners Who ARive suicidal attempts. Due They Have A (MVMHD) Mental Health Social worker? On 12-17-22 Plaintiff (Stuck A Metal foreign OBJECT in His PRIVATE AREA) AFTER A Illegal AFFAIR He Had with A CORRECTIONAL OFFICIAL NURSE (PREA Complaint 22-cv-1122 KMK)

3 Were Defendant Affirm to 14th Amendment violation 'OBJECT ON 12-18-22' Plaintiff Swallowed A Five inch spark" Went to "MVMH", Were He Informed Doctor Marie Samuels, He did not feel safe getting Anesthesia Surgery. At "MVMH" Can He be Transferred to... Westchester Medical. Due To Plaintiff PREA And Parinoid? (Not in A Rite Mental Mind setting)

"Plaintiff Told Doctor Marie Samuels Government Officials Would leave him for Dead" (Homosexual Thoughts)" Doctor Marie Samuels Discharged Plaintiff. ONLY After Assuring Him He'd Go to Westchester Medical He Never enforced (A Due "MVMHED" Have A Policy for suicidal Patients) [B If MVMH has a Policy. OR Due They Have a Social worker? (Hernandez v. Keene May 18, 2005 2nd cir) To Prove A Defendant Is Guilty, OF There has to be A tangible Connection Were The Defendants Deny and Affirm 14th Amendment Deliberate indifference Plaintiff (OBJECT)

3 of 3

12-18-22 Doctor Marie Samuels (Violated Hospital Policy? (OR MVMHED Didn't have A Mental Health Social Worker) To Call?

4 In Ashcroft the Second Cir said: "Quoting" A Supervisor can't be held liable for the actions of their agents. In Plaintiff case The Defendant "MVMHED" Is not Being Accused of Being Deliberate indifference to Plaintiff Medical Needs.

But for M.V.M.H.D (Should have known A Constitutional Act could occur or did know. But did not Remedy it. Because As Executive Director Arranging A Policy And Having a Social work or Doctor available Fail in the Executive Branch.

5 A) Due The Defendant have a policy for Patients who are suicidal?

B) If They due have a Policy? Due they Have a Mental Health Social worker

C) On 12-18-22 When Doctor Marie Samuels Release Plaintiff. After making a less conservative Decision Did The Defendant follow the Policy?

D Does MVMH Have a O.M.H 24/7?

Deliberate indifference DR. Marie Samuels

12-18-22. Plaintiff Swallowed A Five inch SPARK Went to M.V.M.H, Informed staff He had a Affair

4 of 4

with a A Correctional Medical Employee
 Please see Related Case (22-cv-1122 KMK)
 (Hatheway v. Coughlin 1,2,3) Chance v. Armstrong
 143 F.3d 698 (2d Cir. 1998) Deliberate indifference
 Is more criminal recklessness. But for DR. Marie
 Samuels. Misleading Plaintiff.
 6 When A Defendant ~~misleads~~ ^{misleads} a less Consider
 Decision. And chooses a less efficient Route"
 (Williams v. Vincent 2nd Cir December 30, 1974)
 Were the Defendant DR. Marie Samuels on
 12-18-22 After being informed by Plaintiff
 About his Affair and He Was in A
 Delusional Mind yet Allowed Plaintiff to
 Go were Defendant Deny him medical.

6 Were the Defendants Affirm, medical
 Deliberate Indifference. Plaintiff "GBJect8."

The Defendant Doctor Marie Samuels. Made A,
 less Consider Decision. By Releasing Plaintiff
 With out seeing, Mental Health Social Worker
 A But For Mount Vernon Executive Director ("Administration
 Is Responsible For Employment outside Contract
 And Branches such as Office Mental Health") TANGible
 Connection (Hernandez v. Keane | 341 F.3d 137 (2nd Cir. 2003)
 Aug 20, 2003) (DR. Samuels could not call A Social
 Worker If There was not one?) The Defendant "MMED"

5 of 5

Is The Head of Administration, IF "MVMH" did
 Not Have A "OMH", Branch OR didn't have on close
 then 25 miles. Is A Policy for Suicidal Patients?

1 To were the Defendant Compare 9:22-CV-0270
 GBS/ATB To 22-CV-423, UNDER Hathaway 1,11,111
 The St. Elizabeth Medical Center Executive Director.
 WAS 1 out of 20 defendants. That were ~~separated~~
 Separated Please See Doc. 19:22-CV-0270. The 6
 "S.D.N.Y.", Defendants were Transferred And Never Judged.
 OR APPEaled to 2nd Cir. (The ST. E.M.H. "ST. Elizabeth"
 Executive Director is not in control other doctor or etc.
 Employees, UN-constitutional acts.) (To Were UNlike
 in 22-CV-423. The Mount Vernon Monticore Executive
 Director IS Responsible Over Parsonis, And Executive Decision)
 ("Such As Knowing There Should Have Mental Health
 Social Worker 24/7) (OR Within 25 miles) (There was
 No Mental Health For Doctor Marie Samuels To CALL)
 But for The "MVMHED" Defendants' Negligence (The TANGible
 Connection) To the Defendant motion to Dismiss Plaintiff
 OBJECTION.

The Two Roles of Such Dr. Samuels Deliberate Indifference
 And MVMHED SUPERVISOR Liability Oversee The OMH Employment.
~~Plaintiff~~ Plaintiff ASKs to ~~proceed~~ Proceed To Discovery

05/9/23